



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

February 25, 2019

Matthew Hoppock
MuckRock News
DEPT MR 63763
411A Highland Ave
Somerville, MA 02144-2516

Re: FOIA 2019-7100

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek e-mails regarding “dummy dates”.

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U. S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. There will be no charge for the enclosed documents.

As additional documents contain equities involving the Office of Legislative Affairs, those documents have been referred to that office for review and direct response to you. You should receive separate correspondence from the Office of Legislative Affairs regarding these documents.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiastatements/2012foiastatement9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and

Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Joseph R. Schaaf
Senior Counsel for Administrative Law

From: [Maggard, Print \(EOIR\)](#)
To: [Santoro, Christopher A \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#)
Subject: FW: Dallas Morning News Article
Date: Monday, September 17, 2018 10:39:21 AM
Attachments: [393BE45CE0134B3BA55463B88CA62F58.png](#)

FYSA

From: Weiss, Daniel H. (EOIR)
Sent: Sunday, September 16, 2018 11:17 PM
To: Maggard, Print (EOIR)
Subject: Fwd: Dallas Morning News Article

Sir,

The article about the Dallas NTAs came out in today's Dallas Morning News. The article is below and link is pasted at bottom.

The article misses the fact that these individuals received NTAs with actual dates but subsequently bonded out. The new hearing notice likely had not reached them. The "fake date" comment is attributed to a security guard.

Dan
Sent from my iPhone

Begin forwarded message:

From: (b) (6) >
Date: September 16, 2018 at 10:04:22 PM CDT
To: ["daniel.h.weiss@usdoj.gov"](mailto:daniel.h.weiss@usdoj.gov) <daniel.h.weiss@usdoj.gov>
Subject: Dallas Morning News Article

ICE is ordering immigrants to appear in court, but the judges aren't expecting them

FILED UNDER AT 16 HRS AGO



Santos Monroy, Raymundo Olmedo and more than a dozen other immigrants reported for Dallas court hearings on their deportation cases Thursday only to be turned away.

They'd been ordered to be in court by Immigration and Customs Enforcement. But their official notices to appear on Sept. 13 were greeted by court staffers who matter-of-factly called them "fake dates."

Their names weren't on judges' dockets. "We've got fake dates," said one security guard as about two dozen immigrants clustered near a court filing window.

The orders to appear are not fake, but ICE apparently never coordinated or cleared the dates with the immigration courts. It's a phenomenon that appears to be popping up around the nation, with reports of "fake dates" or "dummy dates" in Dallas, Los Angeles, San Diego, Chicago, Atlanta and Miami.

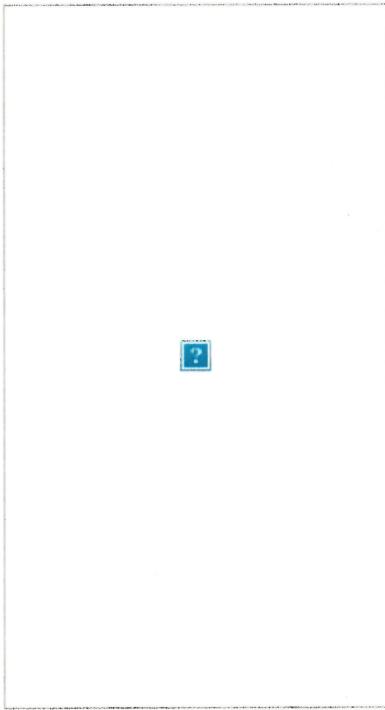
Some immigrants have even been given documents ordering them to be in court at midnight, on weekends and on a date that doesn't exist: Sept. 31.

The result, immigrant advocates say, is more "chaos" in the heavily backlogged immigration court system.

The immigrants turned away in the Dallas court had been detained at a raid at the Load Trail trailer factory on Aug. 28 in Sumner, about 100 miles northeast of Dallas. The raid was billed by ICE as one of the largest such operations at a single workplace in a decade. As is often the case, most immigrants were released while awaiting an administrative hearing before a judge.

On Thursday, after they showed up without being expected by the courts, a court clerk collected their "notices to appear," the charging document usually prepared by ICE, and they were told to fill out another form and were sent away with instructions to call a phone number regularly to eventually learn their real court date.

"It's a madhouse," muttered Dalila Reynoso, a church worker who has been assisting workers and their families since the raid.



Raymundo Olmedo, a former Load Trail factory worker, stands outside the Dallas federal courthouse after he reported to immigration court on Sept. 13. Olmedo's name didn't appear on the Sept. 13 court docket, so he was sent away. More than a dozen immigrants caught in the Load Trail raid faced the same situation at the immigration courts.

(Dianne Solis/Staff)

An ICE spokesman on Friday referred questions to the Justice Department's agency overseeing the courts. A spokeswoman for that agency referred questions to the Department of Homeland Security, which oversees ICE.

"Please contact DHS for a response," said Kathryn Mattingly, the spokeswoman for the court agency of the Justice Department.

ICE spokesman Tim Oberle said the court agency, known as the Executive Office for Immigration Review, "is responsible for setting and resetting appearance dates upon receipt of a notice to appear filed by" ICE and other "components" of Homeland Security.

Neither ICE nor the court agency offered an explanation for the confusion.

Monroy, who worked at the trailer company six years to support his wife and four children, said he has to keep calling for his next court date. Since the raid, the 29-year-old said he's had trouble sleeping as he worries about his legal status and how he'll pay his bills. "I am always thinking of what will happen tomorrow," said Monroy, who was born in Mexico.

Overloaded courts

The nation's immigration courts are overloaded. About 750,000 cases are waiting to be resolved. The courts have not yet moved to a national electronic filing

system and lawyers still do paper filings. In July, the court agency began a pilot electronic filing system in San Diego with a goal of going national in 2019.

The fake dates are aggravating problems in the overburdened courts.

Dallas immigration attorney Daniel Stewart and other attorneys say the docket confusion stems from a June 21 Supreme Court case decision involving valid and invalid notices to appear.

In the past, many notices to appear didn't contain an actual date or place for an immigrant to appear in court. The Supreme Court intervened and ordered the federal government to put real dates and places on the orders.

The Department of Homeland Security appears to have complied by setting dates and times that have not been cleared with the courts. Immigrants show up and crowd the courtrooms when they are not expected to appear.

In the Supreme Court case, a Brazilian immigrant named Wescley Fonseca Pereira was given a notice to appear without a date and place. The court ruled that a valid notice to appear must include time and place.

"Given today's advanced software capabilities, it is hard to imagine why DHS and immigration courts could not again work together to schedule hearings before sending notices to appear," read the opinion written by Justice Sonia Sotomayor.

Stewart had two clients from Load Trail who were given Dallas court dates for Thursday. One client was still detained and had a hearing via video conference in which the judge set his bail for release at \$4,000. The other had a notice to appear but wasn't on any judge's docket, Stewart said.

Stewart said the delays could end up favoring the immigrants.

"It always helps to have enough time to come in with a strong case on your hearing," Stewart said. That's especially important because of new policies handed down by Attorney General Jeff Sessions, who oversees the civil immigration courts and wants to curtail the use of continuances.

Eventually, the immigration courts will get notices with dates properly docketed, said Denver-area lawyer Daniel Kowalski, the editor of a digital website on immigration law.

In Los Angeles, immigration attorney Merlyn Hernandez said she has had "fake dates" for some of her clients and has heard about them from attorneys around the nation. Hernandez heads a liaison committee for the American Immigration Lawyers Association that addresses issues with the immigration court agency.

"I guess it is a way to address Pereira with a specific date and time," Hernandez said.

"When you get something that says it is at midnight, you know there is a mistake there. ... It has been a nightmare."

In Chicago, Ashley Huebner, associate director of legal services at the National Immigrant Justice Center, said she has seen “dozens and dozens” of immigrants with “dummy dates” on their notices to appear. “Some traveled as far as Kentucky,” Huebner said, “and found out either they were not in court proceedings at all or the date they received to come was completely erroneously.”

“The immigration court system is confusing enough on a normal day,” Huebner said. “But to have an individual who probably does not speak English ... and receives a document in which DHS has purposely listed a fake date and time is a real different level of confusion and absurdity.”

On Thursday in the Dallas court, most of the immigrants with unscheduled dates were resigned to the fact that they’ll just be in limbo until the government gets its act together.

Olmedo jumped from his chair when a court clerk called his name. Holding still more government forms given to him by the court clerk, the 50-year-old said he would comply with whatever the court said.

“*Ellos tiene el mando,*” Olmedo said, looking sullen. They are in command.

Link:

<https://www.dallasnews.com/news/immigration/2018/09/16/ice-ordering-immigrants-appear-court-judges-expecting>

From: [Rosen, Scott \(EOIR\)](#)
To: [Cheng, Mary \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)
Subject: FW: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court
Date: Thursday, October 11, 2018 10:08:16 AM

Mary – I took a stab at a draft response. Please feel free to edit/amend. -Scott
Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

(b) (5) [REDACTED]

Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs.

[See the above response.](#)

From: Barnes, Rob (EOIR)
Sent: Wednesday, October 10, 2018 3:47 PM
To: Albery, Linda (EOIR)
Cc: Weiss, Daniel H. (EOIR) ; Rosen, Scott (EOIR) ; Berkeley, Nathan (EOIR) ; Mattingly, Kathryn (EOIR)

Subject: FW: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court
Good Afternoon Linda,
Dallas Morning News reporter Diane Solis is planning a follow-up story regarding NTAs. Her two new questions are below.
If possible, can you please provide CLAD with background or details for an appropriate response to the reporter? She says her deadline is tomorrow.

Internal background from ACIJ Weiss in September: "...we have coordinated with DHS so that the dates they put on the NTAs are viable."

Follow-up questions:

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?
Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs.

Thanks–

Rob Barnes
Regional Public Information Officer
U.S. Department of Justice
Executive Office for Immigration Review
Communications and Legislative Affairs Division
713-650-7853
Rob.Barnes@usdoj.gov

From: Albery, Linda (EOIR)
Sent: Friday, September 14, 2018 2:17 PM
To: Mattingly, Kathryn (EOIR) <Kathryn.Mattingly@EOIR.USDOJ.GOV>; King, Jean (EOIR) <Jean.King@EOIR.USDOJ.GOV>; Rothwarf, Marta (EOIR) <Marta.Rothwarf@EOIR.USDOJ.GOV>

Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Barnes, Rob (EOIR) <Rob.Barnes@EOIR.USDOJ.GOV>; Anderson, Jill (EOIR) <Jill.Anderson@EOIR.USDOJ.GOV>; Baptista, Christina (EOIR) <Christina.Baptista@EOIR.USDOJ.GOV>; Cicchini, Daniel (EOIR) <Daniel.Cicchini@EOIR.USDOJ.GOV>

Subject: RE: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court

Hi Kathryn,

OCIJ is fine with the responses.

Thank you,

Linda

From: Mattingly, Kathryn (EOIR)

Sent: Friday, September 14, 2018 1:03 PM

To: Alberty, Linda (EOIR) <Linda.Alberty@EOIR.USDOJ.GOV>; King, Jean (EOIR) <Jean.King@EOIR.USDOJ.GOV>; Rothwarf, Marta (EOIR) <Marta.Rothwarf@EOIR.USDOJ.GOV>

Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Barnes, Rob (EOIR) <Rob.Barnes@EOIR.USDOJ.GOV>; Anderson, Jill (EOIR) <Jill.Anderson@EOIR.USDOJ.GOV>; Baptista, Christina (EOIR) <Christina.Baptista@EOIR.USDOJ.GOV>; Cicchini, Daniel (EOIR) <Daniel.Cicchini@EOIR.USDOJ.GOV>

Subject: RE: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court

Importance: High

Good afternoon everyone – Adding Linda Alberty per Scott's note to me and adding OGC. We updated A2 and would like OCIJ and OGC clearance on the language below. I still need to clear through Main Justice so I would greatly appreciate a quick review to meet this reporter's deadline today. Thanks very much! – Kathryn

Draft:

Q1) Why are NTAs being issued with dates for cases that then don't appear on the docket?

(b) (5) [REDACTED]

Q2) Is this related to the US Supreme Court case involving Pereira?

(b) (5) [REDACTED]

Q3) Doesn't ICE/DHS coordinate docketing with EOIR usually?

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

Q4) Will immigrants who show up for court because of an NTA with a court date have their

presence noted in the court record so they don't get counted as a no-show?

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

Q5) I have been told that one person had an NTA with a Sunday date. Can you comment on that

and clarify if it is DHS that sets the court dates for EOIR?

(b) (5)

End.

From: Mattingly, Kathryn (EOIR)
Sent: Thursday, September 13, 2018 6:50 PM
To: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>
Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Barnes, Rob (EOIR) <Rob.Barnes@EOIR.USDOJ.GOV>
Subject: Re: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court
Thanks for sharing this information to explain what happened. Very helpful. I will turn back to this in the morning and may be able to add something to A1 and A2. I will be back in touch. Best - Kathryn

On Sep 13, 2018, at 5:45 PM, Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV> wrote:

Please see the attached from ACIJ Weiss, it helps explain the situation.
Print Maggard

From: Mattingly, Kathryn (EOIR)
Sent: Thursday, September 13, 2018 2:21 PM
To: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Cc: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Barnes, Rob (EOIR) <Rob.Barnes@EOIR.USDOJ.GOV>

Subject: Dallas Morning News Inquiry Regarding NTAs at the Dallas Immigration Court
Importance: High

Hello Scott,

Dallas Morning News reporter Dianne Solis sent the following (we were not aware she was visiting Dallas this morning, but she is a regular visitor):

In court this Thursday morning, about 15 to 20 immigrants had NTAs but those immigrants were not on docket. Their NTAs were taken--and presence noted by court staff. But they were not given new dates to appear and instead to call the EOIR court case number.

Three persons even referred to the problem as "fake dates."

A seasoned attorney at the courts said a docketing issue is happening more and more because of a recent Supreme Court case, Pereira. The case involves NTAs without a court date.

Press and others were there because these immigrants were involved in a large Aug. 28 factory raid in North Texas.

Dianne's questions are below and I took a stab at responses. I would greatly appreciate OCIJs input. She wanted me to get back to her this afternoon, but I was able to push the deadline to tomorrow.

Draft:

Q1) Why are NTAs being issued with dates for cases that then don't appear on the

docket?

A1)(b) (5) [REDACTED]

Q2) Is this related to the US Supreme Court case involving Pereira?

A2)(b) [REDACTED]

Q3) Doesn't ICE/DHS coordinate docketing with EOIR usually?

(b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q4) Will immigrants who show up for court because of an NTA with a court date have their presence noted in the court record so they don't get counted as a no-show?

(b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q5) I have been told that one person had an NTA with a Sunday date. Can you comment on that and clarify if it is DHS that sets the court dates for EOIR?

A5)(b) (5) [REDACTED]
[REDACTED]

End.

Thanks in advance,

Kathryn

Kathryn Mattingly

Assistant Press Secretary
Communications and Legislative Affairs Division
Executive Office for Immigration Review
U.S. Department of Justice
(b) (6) [REDACTED], Direct
703 305-0289, Main
www.justice.gov/eoir

From: [Rosen, Scott \(EOIR\)](#)
To: [Cheng, Mary \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)
Subject: FW: Reuters Inquiry Regarding Case Scheduling
Date: Monday, October 15, 2018 11:05:29 AM

How do we address the so called "dummy dates"? Maybe say something like:

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

From: Rosen, Scott (EOIR)
Sent: Monday, October 15, 2018 10:30 AM
To: Mattingly, Kathryn (EOIR) <Kathryn.Mattingly@EOIR.USDOJ.GOV>
Cc: Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Subject: RE: Reuters Inquiry Regarding Case Scheduling

Rob Barnes just addressed similar questions from a Dallas Morning News Reporter. See the questions and OCIJ's proposed responses below. Please let me know if you need any additional information.

Dallas Morning News reporter Diane Solis is planning a follow-up story regarding NTAs. Her two new questions are below.

If possible, can you please provide CLAD with background or details for an appropriate response to the reporter? She says her deadline is tomorrow.

Internal background from ACIJ Weiss in September: "...we have coordinated with DHS so that the dates they put on the NTAs are viable."

Follow-up questions:

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs.

See the above response.

Thanks-

From: Mattingly, Kathryn (EOIR)
Sent: Friday, October 12, 2018 4:17 PM
To: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Cc: Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>
Subject: Reuters Inquiry Regarding Case Scheduling

Hello Scott,

We are working with Reuters reporter Kristina Cooke who is writing about Pereira.

From the reporter:

Separately, I was wondering if the scheduling system is working now. According to a June 27 email obtained via FOIA, administrator Victoria Padilla raised the question of “dummy dates” on NTAs. “I know they were frowning on the dummy dates,” she wrote, “but I think that is going to be our best solution while we work out the kinks” in the scheduling system. Assistant Chief Immigration Judge Irene Feldman replied: “I agree. I authorize you to set those up.” Are dummy dates still being used?

End.

Can you please tell us whether the immigration courts are still using any sort of system of placeholder dates? We think not, but if so, can you please share with us any guidance you may have so we can craft a response.

Thanks in advance,
Kathryn

Kathryn Mattingly

Assistant Press Secretary
Communications and Legislative Affairs Division
Executive Office for Immigration Review
U.S. Department of Justice
(b) (6) [REDACTED], Direct
703 305-0289, Main
www.justice.gov/EOIR

From: [Maggard, Print \(EOIR\)](#)
To: [Santoro, Christopher A \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Cheng, Mary \(EOIR\)](#)
Cc: [Pasierb, Mark \(EOIR\)](#)
Subject: RE: Next DHS meeting
Date: Tuesday, September 18, 2018 11:52:41 AM

Will do.

Print Maggard

From: Santoro, Christopher A (EOIR)
Sent: Tuesday, September 18, 2018 8:42 AM
To: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Cc: Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>
Subject: RE: Next DHS meeting

I've been trying to catch Ed So to tell him this was coming... so far I haven't been able to connect but will continue to try.

Christopher A. Santoro
Deputy Chief Immigration Judge

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, September 18, 2018 11:41 AM
To: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Cc: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>
Subject: Next DHS meeting

Judges Maggard and Cheng,

The Director asked that you please advise DHS at your next meeting that they need to start using the ISS; that if they don't, it will be very hard to get the FAMU and other cases of interest done. (We would like Oct. 30 or 31, whichever "dummy date" we last gave them, to be the last one).

Thanks.

MaryBeth Keller
Chief Immigration Judge
U. S. Department of Justice
Executive Office for Immigration Review
Mary.Beth.Keller@usdoj.gov

(b) (6) [REDACTED]

From: [McHenry, James \(EOIR\)](#)
To: [Berkeley, Nathan \(EOIR\)](#)
Subject: RE: NTAs/ (Dallas Morning News)
Date: Thursday, October 18, 2018 12:41:00 PM

Suggested answers are below.

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

(b) (5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs?

A2) Please see the response above.

From: Berkeley, Nathan (EOIR)
Sent: Wednesday, October 17, 2018 11:50 AM
To: McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>
Subject: FW: NTAs/ (Dallas Morning News)

James – Please see below. We confirmed with DCIJ Maggard that the answer to both your questions is yes. Do you want us to specify that ICE has access or leave it as DHS for now?

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

A1) (b) (5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs?

A2) Please see the response above.

From: McHenry, James (EOIR)
Sent: Tuesday, October 16, 2018 5:56 PM
To: Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>
Subject: Re: NTAs/ (Dallas Morning News)

Check with OCIJ as to whether ISS has ever been available for detained cases. **Yes**

Also check with them regarding ICE's access to ISS. **Yes, ICE has access.**

Let me know what they say before we send this.
Thanks.

On Oct 16, 2018, at 4:38 PM, Berkeley, Nathan (EOIR)
<Nathan.Berkeley@EOIR.USDOJ.GOV> wrote:

James - We sent this request to Devin last Friday to clear and did not get a response but as we get Steve Stafford up to speed, I wanted to check the below response language with you given the reference to our coordination with DHS. OCIJ cleared this language.

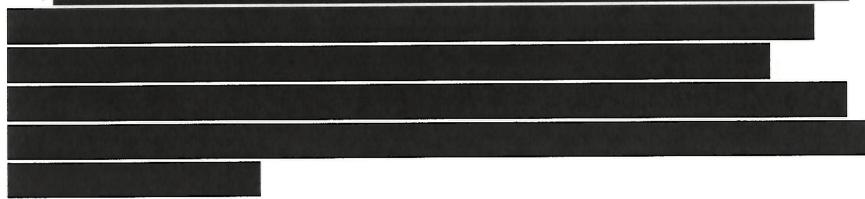
Any concerns?

Nathan

Draft:

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

A1) (b) (5)



Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs?

A2) Please see the response above.

End.

From: Solís, Dianne <dsolis@dallasnews.com>
Sent: Wednesday, October 10, 2018 1:56 PM
To: Barnes, Rob (EOIR) <Rob.Barnes@EOIR.USDOJ.GOV>
Subject: Re: FW: NTAs/ (Dallas Morning News)

Hi Rob,
My deadline is tomorrow and we'd like to publish Thursday or Friday.
It's a follow-up to my previous story on the problems around the country with NTAs with court dates and times that were not on the dockets of immigration judges. This happened after the Pereira decision issued by the Supreme Court a few months ago that called for NTAs to have a date and time and place.

There is an Interagency Scheduling System that would allow DHS to electronically schedule on DOJ/EOIR.

Thank you,
D.

On Wed, Oct 10, 2018 at 1:35 PM Barnes, Rob (EOIR)
<Rob.Barnes@usdoj.gov> wrote:

Hi Diane,

As I research for your answers, can you tell us more about your story, deadline, and planned publishing date?

Thanks,

Rob Barnes
Regional Public Information Officer
U.S. Department of Justice
Executive Office for Immigration Review
Communications and Legislative Affairs Division
713-650-7853
Rob.Barnes@usdoj.gov

From: Solís, Dianne <dsolis@dallasnews.com>
Sent: Tuesday, October 09, 2018 2:19 PM
To: EOIR, PAO (EOIR) <PAO.EOIR@EOIR.USDOJ.GOV>
Subject: Fwd: NTAs/

Hello Elizabeth, and PIO staff,

I'm doing another story on the immigration courts and the NTAs.

Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs?

Thank you,

Dianne Solis
The Dallas Morning News
dsolis@dallasnews.com, (214) 977-8701

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From: Mattingly, Kathryn (EOIR)
To: Maggard, Print (EOIR); Rosen, Scott (EOIR); Lin, Austin (EOIR)
Cc: Berkeley, Nathan (EOIR); Cheng, Mary (EOIR); Feldman, Irene (EOIR)
Subject: RE: Reuters Inquiry Regarding Case Scheduling
Date: Wednesday, October 17, 2018 11:26:02 AM

Very good. Thanks!

From: Maggard, Print (EOIR)
Sent: Wednesday, October 17, 2018 11:19 AM
To: Mattingly, Kathryn (EOIR) <Kathryn.Mattingly@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>
Cc: Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>
Subject: RE: Reuters Inquiry Regarding Case Scheduling

Yes.

Print Maggard

From: Mattingly, Kathryn (EOIR)
Sent: Wednesday, October 17, 2018 8:13 AM
To: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>
Cc: Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>
Subject: RE: Reuters Inquiry Regarding Case Scheduling

Hello again Print – One more follow up. Has ISS ever been available for detained cases? – Kathryn

From: Maggard, Print (EOIR)
Sent: Wednesday, October 17, 2018 10:03 AM
To: Mattingly, Kathryn (EOIR) <Kathryn.Mattingly@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>
Cc: Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>
Subject: RE: Reuters Inquiry Regarding Case Scheduling

ICE has access to ISS.

Print Maggard

From: Mattingly, Kathryn (EOIR)
Sent: Wednesday, October 17, 2018 6:49 AM
To: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Lin, Austin (EOIR)

<Austin.Lin@EOIR.USDOJ.GOV>

Cc: Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>

Subject: RE: Reuters Inquiry Regarding Case Scheduling

Good morning Austin – I see Scott is out. Can you please tell us if ICE also has access to the ISS?
Thanks in advance. – Kathryn

From: Rosen, Scott (EOIR)

Sent: Monday, October 15, 2018 10:30 AM

To: Mattingly, Kathryn (EOIR) <Kathryn.Mattingly@EOIR.USDOJ.GOV>

Cc: Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>

Subject: RE: Reuters Inquiry Regarding Case Scheduling

Rob Barnes just addressed similar questions from a Dallas Morning News Reporter. See the questions and OCIJ's proposed responses below. Please let me know if you need any additional information.

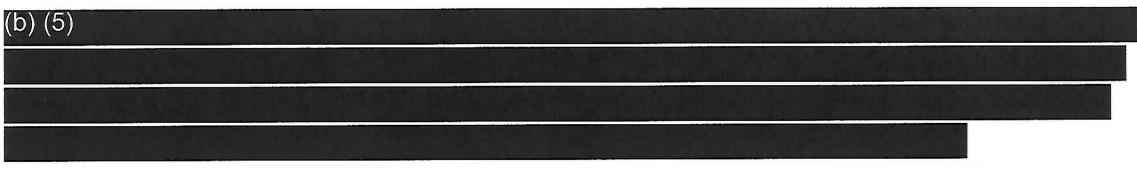
Dallas Morning News reporter Diane Solis is planning a follow-up story regarding NTAs. Her two new questions are below.

If possible, can you please provide CLAD with background or details for an appropriate response to the reporter? She says her deadline is tomorrow.

Internal background from ACIJ Weiss in September: "...we have coordinated with DHS so that the dates they put on the NTAs are viable."

Follow-up questions:

Q1) Is the Interactive Scheduling System now being used to schedule hearings in both detained and non-detained cases?

(b) (5) 

Q2) If so, when did it go into use and has it eliminated the problem of "dummy date" or "fake dates" from being placed on the NTAs.

See the above response.

Thanks-

From: Mattingly, Kathryn (EOIR)
Sent: Friday, October 12, 2018 4:17 PM
To: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Cc: Lin, Austin (EOIR) <Austin.Lin@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>
Subject: Reuters Inquiry Regarding Case Scheduling

Hello Scott,

We are working with Reuters reporter Kristina Cooke who is writing about Pereira.

From the reporter:

Separately, I was wondering if the scheduling system is working now. According to a June 27 email obtained via FOIA, administrator Victoria Padilla raised the question of “dummy dates” on NTAs. “I know they were frowning on the dummy dates,” she wrote, “but I think that is going to be our best solution while we work out the kinks” in the scheduling system. Assistant Chief Immigration Judge Irene Feldman replied: “I agree. I authorize you to set those up.” Are dummy dates still being used?

End.

Can you please tell us whether the immigration courts are still using any sort of system of placeholder dates? We think not, but if so, can you please share with us any guidance you may have so we can craft a response.

Thanks in advance,
Kathryn

Kathryn Mattingly

Assistant Press Secretary
Communications and Legislative Affairs Division
Executive Office for Immigration Review
U.S. Department of Justice
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